E/1997/23
E/CN.4/1997/150

# COMMISSION ON HUMAN RIGHTS

## REPORT ON THE FIFTY-THIRD SESSION

**(10 March - 18 April 1997)**

## ECONOMIC AND SOCIAL COUNCIL

**OFFICIAL RECORDS, 1997**

## SUPPLEMENT No. 3

**UNITED NATIONS**

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New York and Geneva, 1997

## NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

E/1997/23
E/CN.4/1997/150

CONTENTS


Chapter | Page

I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL . . . . . 17

A. Draft resolutions

I. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment . . . . 17

II. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 . . . . . 17

III. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms . . 18

B. Draft decisions

1. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development . . . . . 19

2. Human rights and extreme poverty . . . . . 19

3. Migrants and human rights . . . . . 19

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights . . . . . 20

5. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief . . . . . 21

6. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers . . . . . 21

7. United Nations staff . . . . . 21

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| I. | B. | Draft decisions (continued) | |
| | 8. | A permanent forum for indigenous people in the United Nations system | 22 |
| | 9. | Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People | 22 |
| | 10. | Human rights and thematic procedures | 23 |
| | 11. | Torture and other cruel, inhuman or degrading treatment or punishment | 23 |
| | 12. | Internally displaced persons | 23 |
| | 13. | National institutions for the promotion and protection of human rights | 24 |
| | 14. | Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights | 24 |
| | 15. | The elimination of violence against women | 24 |
| | 16. | Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region | 25 |
| | 17. | Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights | 26 |
| | 18. | Assistance to Somalia in the field of human rights | 26 |
| | 19. | Situation of human rights in Cambodia | 27 |
| | 20. | Question of arbitrary detention | 27 |
| | 21. | Assistance to Guatemala in the field of human rights | 28 |
| | 22. | Situation of human rights in Haiti | 28 |
| | 23. | Situation of human rights in Nigeria | 28 |
| | 24. | Situation of human rights in the Islamic Republic of Iran | 29 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| I. | B. | Draft decisions (continued) | |
| | 25. | Human rights situation in southern Lebanon and West Bekaa | 29 |
| | 26. | Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) | 30 |
| | 27. | Situation of human rights in Zaire | 31 |
| | 28. | Situation of human rights in the Sudan | 32 |
| | 29. | Situation of human rights in Iraq | 32 |
| | 30. | Extrajudicial, summary or arbitrary executions | 33 |
| | 31. | Human rights in Cuba | 33 |
| | 32. | Situation of human rights in Myanmar | 34 |
| | 33. | Situation of human rights in Afghanistan | 34 |
| | 34. | Situation of human rights in Rwanda | 34 |
| | 35. | Situation of human rights in Equatorial Guinea and assistance in the field of human rights | 35 |
| | 36. | Right to development | 36 |
| | 37. | Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance | 36 |
| | 38. | Racism, racial discrimination, xenophobia and related intolerance | 36 |
| | 39. | Human rights and mass exoduses | 38 |
| | 40. | Strengthening of the Office of the High Commissioner/Centre for Human Rights | 39 |
| | 41. | Situation of human rights in Burundi | 39 |
| | 42. | Rights of the child | 39 |
| | 43. | Human rights and the environment | 40 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| I. | B. | Draft decisions (continued) | |
| | | 44. Effects of structural adjustment policies on the full enjoyment of human rights | 40 |
| | | 45. Traditional practices affecting the health of women and children | 41 |
| | | 46. The right to a fair trial | 42 |
| | | 47. Question of human rights and states of emergency | 42 |
| | | 48. Protection of the heritage of indigenous people | 42 |
| | | 49. Study on treaties, agreements and other constructive arrangements between States and indigenous populations | 43 |
| | | 50. Study on indigenous land rights | 43 |
| | | 51. Organization of the work of the fifty-fourth session | 44 |
| | | 52. Organization of the work of the fifty-fourth session | 44 |
| II. | RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-THIRD SESSION | | 45 |
| | A. | Resolutions | |
| | | 1997/1. Question of the violation of human rights in the occupied Arab territories, including Palestine | 45 |
| | | 1997/2. Human rights in the occupied Syrian Golan | 47 |
| | | 1997/3. Israeli settlements in the occupied Arab territories | 49 |
| | | 1997/4. Situation in occupied Palestine | 50 |
| | | 1997/5. Question of Western Sahara | 52 |
| | | 1997/6. Middle East peace process | 55 |
| | | 1997/7. Human rights and unilateral coercive measures | 56 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | A. | Resolutions (continued) | |
| | | 1997/8. The right to food | 58 |
| | | 1997/9. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights | 59 |
| | | 1997/10. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development | 62 |
| | | 1997/11. Human rights and extreme poverty | 65 |
| | | 1997/12. Question of the death penalty | 69 |
| | | 1997/13. Violence against women migrant workers | 71 |
| | | 1997/14. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | 73 |
| | | 1997/15. Migrants and human rights | 74 |
| | | 1997/16. Rights of persons belonging to national or ethnic, religious and linguistic minorities | 76 |
| | | 1997/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights | 78 |
| | | 1997/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | 81 |
| | | 1997/19. Traffic in women and girls | 83 |
| | | 1997/20. Contemporary forms of slavery | 86 |
| | | 1997/21. Minimum humanitarian standards | 88 |
| | | 1997/22. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities | 89 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | A. | Resolutions (continued) | |
| | 1997/23. | Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers | 91 |
| | 1997/24. | Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 93 |
| | 1997/25. | United Nations staff | 95 |
| | 1997/26. | Question of enforced or involuntary disappearances | 97 |
| | 1997/27. | Right to freedom of opinion and expression | 100 |
| | 1997/28. | Hostage-taking | 104 |
| | 1997/29. | The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms | 106 |
| | 1997/30. | A permanent forum for indigenous people in the United Nations system | 107 |
| | 1997/31. | Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 | 109 |
| | 1997/32. | Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People | 111 |
| | 1997/33. | The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) | 115 |
| | 1997/34. | Regional arrangements for the promotion and protection of human rights | 117 |
| | 1997/35. | Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights | 119 |
| | 1997/36. | Human rights and arbitrary deprivation of nationality | 122 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | A. | Resolutions (continued) | |
| | 1997/37. | Human rights and thematic procedures | 123 |
| | 1997/38. | Torture and other cruel, inhuman or degrading treatment or punishment | 125 |
| | 1997/39. | Internally displaced persons | 130 |
| | 1997/40. | National institutions for the promotion and protection of human rights | 133 |
| | 1997/41. | Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights | 137 |
| | 1997/42. | Human rights and terrorism | 139 |
| | 1997/43. | Integrating the human rights of women throughout the United Nations system | 142 |
| | 1997/44. | The elimination of violence against women | 145 |
| | 1997/45. | Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region | 149 |
| | 1997/46. | Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights | 153 |
| | 1997/47. | Assistance to Somalia in the field of human rights | 156 |
| | 1997/48. | Assistance to States in strengthening the rule of law | 158 |
| | 1997/49. | Situation of human rights in Cambodia | 160 |
| | 1997/50. | Question of arbitrary detention | 164 |
| | 1997/51. | Assistance to Guatemala in the field of human rights | 167 |
| | 1997/52. | Situation of human rights in Haiti | 171 |
| | 1997/53. | Situation of human rights in Nigeria | 174 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | A. | Resolutions (continued) | |
| | | 1997/54. Situation of human rights in the Islamic Republic of Iran | 176 |
| | | 1997/55. Human rights situation in southern Lebanon and West Bekaa | 178 |
| | | 1997/56. Cooperation with representatives of United Nations human rights bodies | 180 |
| | | 1997/57. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) | 182 |
| | | 1997/58. Situation of human rights in Zaire | 194 |
| | | 1997/59. Situation of human rights in the Sudan | 198 |
| | | 1997/60. Situation of human rights in Iraq | 203 |
| | | 1997/61. Extrajudicial, summary or arbitrary executions | 205 |
| | | 1997/62. Human rights in Cuba | 209 |
| | | 1997/63. Situation of human rights in East Timor | 211 |
| | | 1997/64. Situation of human rights in Myanmar | 213 |
| | | 1997/65. Situation of human rights in Afghanistan | 217 |
| | | 1997/66. Situation of human rights in Rwanda | 221 |
| | | 1997/67. Situation of human rights in Equatorial Guinea and assistance in the field of human rights | 224 |
| | | 1997/68. Report of the United Nations High Commissioner for Human Rights | 228 |
| | | 1997/69. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action | 229 |
| | | 1997/70. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms | 232 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | A. | Resolutions (continued) | |
| | | 1997/71. Human rights and bioethics | 233 |
| | | 1997/72. Right to development | 235 |
| | | 1997/73. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance | 239 |
| | | 1997/74. Racism, racial discrimination, xenophobia and related intolerance | 242 |
| | | 1997/75. Human rights and mass exoduses | 250 |
| | | 1997/76. Strengthening of the Office of the High Commissioner/Centre for Human Rights | 255 |
| | | 1997/77. Situation of human rights in Burundi | 258 |
| | | 1997/78. Rights of the child | 261 |
| | B. | Decisions | |
| | | 1997/101. Organization of work | 272 |
| | | 1997/102. Human rights and the environment | 275 |
| | | 1997/103. Effects of structural adjustment policies on the full enjoyment of human rights | 275 |
| | | 1997/104. Status of the International Covenants on Human Rights | 276 |
| | | 1997/105. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights | 276 |
| | | 1997/106. Human rights in the administration of justice, particularly with respect to children and juveniles in detention | 277 |
| | | 1997/107. Human rights of persons with disabilities | 277 |
| | | 1997/108. Traditional practices affecting the health of women and children | 278 |
| | | 1997/109. The right to a fair trial | 278 |

CONTENTS (continued)


| Chapter | | | Page |
|---|---|---|---|
| II. | B. | Decisions (continued) | |
| | | 1997/110. Question of human rights and states of emergency | 278 |
| | | 1997/111. United Nations Decade for Human Rights Education | 279 |
| | | 1997/112. Protection of the heritage of indigenous people | 279 |
| | | 1997/113. Study on treaties, agreements and other constructive arrangements between States and indigenous populations | 279 |
| | | 1997/114. Study on indigenous land rights | 280 |
| | | 1997/115. Human rights and income distribution | 280 |
| | | 1997/116. Rationalization of the work of the special procedures system and review of the special procedures system | 281 |
| | | 1997/117. Conscientious objection to military service | 281 |
| | | 1997/118. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights | 281 |
| | | 1997/119. Organization of the work of the fifty-fourth session | 281 |
| | | 1997/120. Organization of the work of the fifty-fourth session | 282 |
| | | 1997/121. Question of human rights in Cyprus | 282 |
| | | 1997/122. Human rights and the follow-up to the guidelines for the regulation of computerized personal data files | 282 |
| | | 1997/123. Organization of the work of the fifty-fourth session | 283 |
| | | 1997/124. Composition of the staff of the Centre for Human Rights | 283 |
| | | 1997/125. Racism, racial discrimination, xenophobia and related intolerance | 283 |
| | | 1997/126. Restructuring and revitalization of the Commission on Human Rights | 284 |

CONTENTS (continued)


| Chapter | | Paragraphs | Page |
|---|---|---|---|
| III. | ORGANIZATION OF THE WORK OF THE SESSION . . . . . | 1 - 51 | 285 |
| | A. Opening and duration of the session . . . . . | 1 - 2 | 285 |
| | B. Attendance . . . . . | 3 | 285 |
| | C. Election of officers . . . . . | 4 | 285 |
| | D. Agenda . . . . . | 5 - 6 | 285 |
| | E. Organization of work . . . . . | 7 - 38 | 285 |
| | F. Meetings, resolutions and documentation . . . | 39 - 42 | 293 |
| | G. Visits . . . . . | 43 | 294 |
| | H. Other matters . . . . . | 44 - 51 | 296 |
| IV. | QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE . | 52 - 77 | 298 |
| V. | QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: | | |
| | (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development; | | |
| | (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms . . . . . | 78 - 121 | 302 |
| VI. | QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT . . . . . | 122 - 133 | 309 |

CONTENTS (continued)


| Chapter | | Paragraphs | Page |
|---|---|---|---|
| VII. | THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION . . . . . | 134 - 154 | 311 |
| VIII. | QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: | | |
| | (a) Torture and other cruel, inhuman or degrading treatment or punishment; | | |
| | (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; | | |
| | (c) Question of enforced or involuntary disappearances; | | |
| | (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment . . . . . | 155 - 231 | 314 |
| IX. | FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: | | |
| | (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; | | |
| | (b) National institutions for the promotion and protection of human rights; | | |
| | (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights; | | |
| | (d) Human rights, mass exoduses and displaced persons . . . . . | 232 - 310 | 324 |
| X. | QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: | | |
| | (a) Question of human rights in Cyprus; | | |

CONTENTS (continued)


| Chapter | | | Paragraphs | Page |
|---|---|---|---|---|
| X. | (b) | Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990 . . . . . | 311 - 417 | 346 |
| XI. | | MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS . . . . . | 418 - 434 | 365 |
| XII. | | HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS . . . . . | 435 - 445 | 368 |
| XIII. | | IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION . . . . . | 446 - 465a | 369 |
| XIV. | | STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS . . . . . | 466 - 490 | 374 |
| XV. | | EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS . . . . . | 491 - 497 | 379 |
| XVI. | | REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION . . . . . | 498 - 528 | 380 |
| XVII. | | RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES . . . | 529 - 539 | 384 |
| XVIII. | | ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS . | 540 - 578 | 386 |
| XIX. | | IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF . . . | 579 - 588 | 393 |
| XX. | | DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS . . . . . | 589 - 600 | 395 |

CONTENTS (continued)


| Chapter | | Paragraphs | Page |
|---|---|---|---|
| XXI. | RIGHTS OF THE CHILD, INCLUDING: | | |
| | (a) Status of the Convention on the Rights of the Child; | | |
| | (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography; | | |
| | (c) Programme of Action for the Elimination of the Exploitation of Child Labour; | | |
| | (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication . . . . . | 601 - 631 | 397 |
| XXII. | FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS . . . . . | 632 - 644 | 403 |
| XXIII. | THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE . . . . . | 645 - 649 | 405 |
| XXIV. | INDIGENOUS ISSUES . . . . . | 650 - 679 | 406 |
| XXV. | DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FOURTH SESSION OF THE COMMISSION . . . . . | 680 - 682 | 410 |
| XXVI. | REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION . . . . . | 683 | 422 |

Annexes

| | | |
|---|---|---|
| I. | Attendance . . . . . | 423 |
| II. | Agenda . . . . . | 437 |
| III. | Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-third session . . . . . | 440 |
| IV. | List of documents issued for the fifty-third session of the Commission . . . . . | 441 |
| V. | Resolutions and decisions adopted by the Commission and statements made by the Chairman on behalf of the Commission at its fifty-third session . . . . . | 482 |

# I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

## A. Draft resolutions

### I. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/24 of 11 April 1997,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1997/33 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1997/24, and chap. VIII.]

### II. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/31 of 11 April 1997,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the fifty-fourth session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1997/31, and chap. XXIV.]

## III. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1997/70, and chap. XX.]

## B. Draft decisions

### 1. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/10 of 3 April 1997, approves the Commission's request that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries.

[See chap. II, sect. A, resolution 1997/10, and chap. V.]

### 2. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/11 of 3 April 1997 and resolution 1996/23 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the requests made to the Secretary-General:

(a) To publish the final report of the Special Rapporteur on human rights and extreme poverty in all the United Nations official languages;

(b) To convey the Special Rapporteur's final report to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund, and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated.

[See chap. II, sect. A, resolution 1997/11, and chap. V.]

### 3. Migrants and human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/15 of 3 April 1997, endorses the Commission's decision to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after

consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants.

The Council also approves the Commission's request to the working group of intergovernmental experts to submit a report to the Commission at its fifty-fourth session under the appropriate agenda item.

[See chap. II, sect. A, resolution 1997/15, and chap. XI.]

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/17 of 11 April 1997, endorses the Commission's decision to request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(a) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general; and

(b) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex).

[See chap. II, sect. A, resolution 1997/17, and chap. V.]

5. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/18 of 11 April 1997, approves the Commission's requests to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/18, and chap. XIX.]

6. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/23 of 11 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further period of three years and its request to the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/23, and chap. VIII.]

7. United Nations staff

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/25 of 11 April 1997, endorses the Commission's decision to request the Secretary-General:

(a) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in Commission resolution 1997/25;

(b) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.

[See chap. II, sect. A, resolution 1997/25, and chap. VIII.]

8. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/30 of 11 April 1997, approves the Commission's request to the High Commissioner/Centre for Human Rights to convene, for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations, a second workshop on the possible establishment of a permanent forum for indigenous people, in accordance with established United Nations practice and with the participation of representatives of Governments, organizations of indigenous people, non-governmental organizations and United Nations bodies, organizations and specialized agencies and with, inter alia, the results of the Copenhagen workshop and the Secretary-General's review as the basis for discussions.

[See chap. II, sect. A, resolution 1997/30, and chap. XXIV.]

9. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/32 of 11 April 1997, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-ninth session of the Sub-Commission, and approves the Commission's requests to the Secretary-General:

(a) To give adequate resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions.

The Council also approves the Commission's recommendation that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the International Decade of the World's Indigenous People, as well as the Commission's request to the High Commissioner to consider organizing, taking into account the United Nations Decade for Human Rights Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and

to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies.

[See chap. II, sect. A, resolution 1997/32, and chap. XXIV.]

## 10. Human rights and thematic procedures

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/37 of 11 April 1997, approves the Commission's request to the Secretary-General, in implementing the United Nations budget for the biennium 1998-1999, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

[See chap. II, sect. A, resolution 1997/37, and chap. IX.]

## 11. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/38 of 11 April 1997, approves the Commission's request to the General Assembly, in preparing the fiftieth anniversary of the Universal Declaration of Human Rights, to proclaim 26 June a United Nations international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987.

The Council also approves the Commission's requests to the Secretary-General to continue to include the United Nations Voluntary Fund for Victims of Torture on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance.

[See chap. II, sect. A, resolution 1997/38, and chap. VIII.]

## 12. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/39 of 11 April 1997, approves the Commission's requests to the Secretary-General to ensure the rapid publication, in all the United Nations working languages, and wide dissemination of the compilation

and analysis of legal norms submitted by his representative on internally displaced persons, and to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively.

[See chap. II, sect. A, resolution 1997/39, and chap. IX.]

13. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/40 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the High Commissioner/Centre for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

(c) To convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico during 1997.

[See chap. II, sect. A, resolution 1997/40, and chap. IX.]

14. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/41 of 11 April 1997, approves the Commission's request to the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the High Commissioner/Centre for Human Rights and the Department of Public information to implement fully their expanded publications programme.

[See chap. II, sect. A, resolution 1997/41, and chap. IX.]

15. The elimination of violence against women

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/44 of 11 April 1997, endorses the Commission's decision

that the mandate of the Special Rapporteur on violence against women, its causes and consequences should be renewed for a period of three years, and approves the Commission's request to the Special Rapporteur to report annually to the Commission, beginning at the fifty-fourth session, on activities relating to her mandate.

[See chap. II, sect. A, resolution 1997/44, and chap. IX.]

16. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/45 of 11 April 1997, approves the Commission's request to the Secretary-General:

(a) To facilitate the holding of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in Tehran under the regular budget of the United Nations for the programme of advisory services and technical cooperation in the field of human rights;

(b) To give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical cooperation in the field of human rights;

(c) To maintain a continuing flow of human rights material to the library of the Economic and Social Commission for Asia and the Pacific;

(d) To support the regional technical cooperation programme for the Asian and Pacific region and to provide resources for its implementation;

(e) To establish, in accordance with the conclusions of the fifth workshop on regional human rights arrangements in the Asian and Pacific region, an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations:

(i) To ensure the effective preparation of the next workshop;

(ii) To design a regional technical cooperation programme to facilitate the development of regional arrangements.

[See chap. II, sect. A, resolution 1997/45, and chap. IX.]

## 17. Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/46 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) To allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

(b) In accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(c) To continue to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights.

The Council also approves the Commission's request to the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, as well as the Commission's invitation to the Chairman of the Board to address the Commission.

[See chap. II, sect. A, resolution 1997/46, and chap. XVIII.]

## 18. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/47 of 11 April 1997, approves the Commission's request to the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector.

The Council also approves the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical cooperation.

[See chap. II, sect. A, resolution 1997/47, and chap. XVIII.]

## 19. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) Through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

(b) To provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

(c) Through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

(d) To consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia.

[See chap. II, sect. A, resolution 1997/49, and chap. XVIII.]

## 20. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/50 of 15 April 1997, endorses the Commission's decision to renew, for a three-year period, the mandate of the Working Group on Arbitrary Detention, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned.

The Council also approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions.

[See chap. II, sect. A, resolution 1997/50, and chap. VIII.]

21. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/51 of 15 April 1997, approves the Commission's request to the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the Peace Agreements, taking into account the verification work done by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and the information submitted by the Government of Guatemala, the Follow-up Commission on compliance with the Peace Agreements, the political organizations and non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission.

[See chap. II, sect. A, resolution 1997/51, and chap. XVIII.]

22. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997, approves the Commission's request to the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in July 1997, and its invitation to the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti.

[See chap. II, sect. A, resolution 1997/52, and chap. XVIII.]

23. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/53 of 15 April 1997, endorses the Commission's decision to invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria,

with a mandate to establish direct contacts with the authorities and the people of Nigeria, and approves its request to the special rapporteur to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information.

The Council also endorses the Commission's decision to request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of Commission resolution 1997/53 and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms.

[See chap. II, sect. A, resolution 1997/53, and chap. X.]

24. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/54 of 15 April 1997, endorses the Commission's decision to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and approves its request to the Special Representative to submit an interim report to the General Assembly at its fifty-second session, to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council also approves the Commission's decision to request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/54, and chap. X.]

25. Human rights situation in southern Lebanon and West Bekaa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/55 of 15 April 1997, approves the Commission's requests to the Secretary-General:

(a) To bring Commission resolution 1997/55 to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 1997/55, and chap. X.]

26. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/57 of 15 April 1997, approves the Commission's requests to the Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 and 1996/71 of 9 March 1994 and 23 April 1996, respectively:

(a) To focus her future activities on prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts for the building of democratic institutions and the improvement of the administration of justice, for the prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension, and for the protection of the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session with her overview of the human rights situation in the territories covered by her mandate, as requested in Commission resolution 1996/71.

The Council endorses the Commission's decision to extend for one year the mandate of the Special Rapporteur as revised in Commission resolution 1997/57, and its requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina,

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights.

The Council also endorses the Commission's decisions:

(a) To request the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of that report;

(b) To request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and the Organization for Security and Cooperation in Europe;

(c) To urge the Secretary-General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

[See chap. II, sect. A, resolution 1997/57, and chap. X.]

## 27. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/58 of 15 April 1997, endorses the Commission's decisions:

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues

affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) To request the United Nations High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work, and to provide appropriate technical expertise to enable the mission to fulfil its mandate.

The Council also endorses the Commission's decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also to request the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and recommendations;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/58, and chap. X.]

## 28. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for an additional year, and approves its request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate.

The Council also approves the Commission's requests to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/59, and chap. X.]

## 29. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/60 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further

year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session.

The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 1997/60, and chap. X.]

## 30. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/61 of 16 April 1997, approves the Commission's requests to the Secretary-General:

(a) To provide the Special Rapporteur on extrajudicial, summary or arbitrary executions, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

(b) To continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions.

[See chap. II, sect. A, resolution 1997/61, and chap. X.]

## 31. Human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/62 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and approves its request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

The Council also approves the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its

fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to Commission resolution 1997/62.

[See chap. II, sect. A, resolution 1997/62, and chap. X.]

## 32. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/64, and chap. X.]

## 33. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/65 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session, and approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

[See chap. II, sect. A, resolution 1997/65, and chap. X.]

## 34. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997, approves the Commission's request to the Chairman of the Commission to appoint a special representative with the

mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate, as well as its request to the special representative to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session in accordance with his mandate.

The Council also approves the Commission's requests to the United Nations High Commissioner for Human Rights:

(a) To continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

(b) To submit a report to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session on the implementation of Commission resolution 1997/66, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

[See chap. II, sect. A, resolution 1997/66, and chap. X.]

## 35. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/67 of 16 April 1997, endorses the Commission's decision to renew the mandate of the Special Rapporteur for one year, and approves its request to the Special Rapporteur to report to the Commission at its fifty-fourth session.

The Council also approves the Commission's requests:

(a) To the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

(b) To the High Commissioner/Centre for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

(c) To the High Commissioner/Centre for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with

the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights.

[See chap. II, sect. A, resolution 1997/67, and chap. X.]

## 36. Right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/72 of 16 April 1997, approves the Commission's request to the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of Commission resolution 1997/72.

[See chap. II, sect. A, resolution 1997/72, and chap. VI.]

## 37. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/73 of 18 April 1997, endorses the Commission's request to the Secretary-General to provide the Special Rapporteur, without any further delay, with all the appropriate assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/73, and chap. XIII.]

## 38. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/74 of 18 April 1997, approves the Commission's requests:

(a) To the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

(b) To the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

(c) To the Secretary-General to provide the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

The Council endorses the Commission's decision to recommend to the General Assembly the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourge of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance.

The Council also endorses the Commission's recommendations to the General Assembly:

(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

(b) That when deciding on the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(c) That the world conference on racism and racial discrimination, xenophobia and related intolerance be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That it decide that the Commission on Human Rights should act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

(e) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

(f) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;

(g) That is request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and other related forms of intolerance.

The Council approves the Commission's recommendation that the world conference on racism and racial discrimination, xenophobia and related intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy.

[See chap. II, sect. A, resolution 1997/74, and chap. XIII.]

## 39. Human rights and mass exoduses

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/75 of 18 April 1997, approves the Commission's request

to the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue.

[See chap. II, sect. A, resolution 1997/75, and chap. IX.]

## 40. Strengthening of the Office of the High Commissioner/Centre for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/76, of 18 April 1997, endorses the Commission's decision to reiterate its request to the Secretary-General to provide the human rights programme with all the necessary human, financial and material resources from future regular budgets of the United Nations, and in particular to take this into account in the budget for the 1998-1999 biennium.

[See chap. II, sect. A, resolution 1997/76, and chap. IX.]

## 41. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/77 of 18 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for an additional year and its requests to the Special Rapporteur to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-fourth session, and to apply a gender perspective in his work.

[See chap. II, sect. A, resolution 1997/77, and chap. X.]

## 42. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/78 of 18 April 1997, endorse the Commission's decision:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) With regard to the Special Rapporteur on the sale of children, child prostitution and child pornography, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all

relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(c) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

(d) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol.

[See chap. II, sect. A, resolution 1997/78, and chap. XXI.]

## 43. Human rights and the environment

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/102 of 3 April 1997, approves the Commission's decision to invite the Secretary-General to bring his reports on the question of human rights and the environment (E/CN.4/1996/23 and Add.1 and E/CN.4/1997/18) and the Commission on Human Rights' own consideration of this question to the attention of the General Assembly at its special session on Agenda 21, the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and other relevant international bodies and organizations.

[See chap. II, sect. B, decision 1997/102, and chap. V.]

## 44. Effects of structural adjustment policies on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/103 of 3 April 1997, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate: (a) to gather and analyse information on the efforts of structural adjustment programmes on economic, social and cultural rights; and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and

cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session.

In order that the working group may carry out its mandate, the Council decides:

(a) To request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General specially to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his/her mandate.

[See chap. II, sect. B, decision 1997/103, and chap. V.]

### 45. Traditional practices affecting the health of women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/108 of 11 April 1997, and resolution 1996/19 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for a further two years in order to follow up and monitor developments in the elimination of traditional practices

affecting the health of women and children through, in particular, the implementation of the Plan of Action for the Elimination of Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

[See chap. II, sect. B, decision 1997/108, and chap. XVI.]

46. The right to a fair trial

The Economic and Social Council, recalling its decision 1995/299 of 25 July 1995 and taking note of Commission on Human Rights decision 1997/109 of 11 April 1997, approves the Commission's decision to endorse the request by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the full and updated study on the right to a fair trial and a remedy be published as described in Sub-Commission resolution 1996/29 of 29 August 1996, and requests the Secretary-General to provide all assistance necessary for the compilation and publication of the updated study.

[See chap. II, sect. B, decision 1997/109, and chap. VIII.]

47. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/110 of 11 April 1997, and resolution 1996/30 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

[See chap. II, sect. B, decision 1997/110, and chap. VIII.]

48. Protection of the heritage of indigenous people

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/112 of 11 April 1997, and resolution 1996/37 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to recommend that the Special Rapporteur, Ms. Erica-Irene A. Daes, be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of

indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work.

[See chap. II, sect. B, decision 1997/112, and chap. XXIV.]

49. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/113 of 11 April 1997, and decision 1996/118 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to request the Special Rapporteur of the Sub-Commission on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session.

The Council also approves the Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1997/113, and chap. XXIV.]

50. Study on indigenous land rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/114 of 11 April 1997, and resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her work.

[See chap. II, sect. B, decision 1997/114, and chap. XXIV.]

51. Organization of the work of the fifty-fourth session

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/119 of 16 April 1997, authorizes, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings authorized by the Council would be utilized only if absolutely necessary.

[See chap. II, sect. B, decision 1997/119, and chap. III.]

52. Organization of the work of the fifty-fourth session

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/123 of 18 April 1997, approves the Commission's recommendation, in the light of the positive experience gained by rescheduling the dates of its fifty-second and fifty-third sessions, pursuant to Council decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session should take place from 16 March to 24 April 1998.

[See chap. II, sect. B, decision 1997/123, and chap. III.]

# II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-THIRD SESSION

## A. Resolutions

### 1997/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Palestinian territories, including Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Palestinian occupied territories, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Taking note of the report (E/CN.4/1997/16) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/51/99/Add.2),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Welcoming anew the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreements, whereby violations of human rights will end through the implementation of these agreements and the full withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem,

Recalling all its previous resolutions on the subject, including the latest, resolution 1996/3 of 11 April 1996,

1. Condemns the continued violations of human rights in the occupied Palestinian territories since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing, the detention of thousands of Palestinians without trial, the continuation of the confiscation of lands, the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and expropriation of their land, and calls upon Israel to cease these acts immediately;

2. Also condemns the opening of a tunnel under the Al Aqsa mosque, the establishment of an Israeli settlement on Jabal Abu Ghenaim in occupied Arab Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their home with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to close the tunnel and to put an end immediately to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice has legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the above-mentioned legitimization;

4. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and considers any change in the geographical and demographic status of the city of Jerusalem from its situation prior to the June 1967 war to be illegal and void;

5. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, a measure which threatens thousands of Palestinians with hunger and endangers their lives;

6. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the provisions of the Charter and resolutions of the United Nations;

7. Also calls upon Israel to withdraw from the Palestinian territories, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

8. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-fourth session;

9. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

10. Decides to consider the question at its fifty-fourth session, as a matter of high priority.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 25 votes to 1, with 23 abstentions. See chap. IV.]

1997/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 51/135 of 13 December 1996, in which the Assembly, inter alia, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99/Add.2) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israeli's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East,

Expressing concern that the peace process on the Syrian and Lebanese tracks has stumbled, and hoping that commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible,

Reaffirming its previous relevant resolutions, the most recent being resolution 1996/2 of 11 April 1996,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and

void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-fourth session;

7. Decides to include in the provisional agenda of its fifty-fourth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

26th meeting
26 March 1997
[Adopted by a roll-call vote of 26 votes to 1, with 23 abstentions. See chap. IV.]

1997/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 1996/4 of 11 April 1996, in which, inter alia, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

1. Welcomes

(a) The positive developments that originated with the International Peace Conference on the Middle East convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 as well as the Interim Agreement on the West Bank and the Gaza Strip signed in Washington by the same parties on 28 September 1995;

(b) The recent step towards the further implementation of the relevant agreements, through the signing of the Protocol concerning the Redeployment in Hebron;

(c) The report (E/CN.4/1997/16) submitted by the Special Rapporteur pursuant to Commission resolution 1993/2 A of 19 February 1993;

2. Expresses its deep concern

(a) At the Israeli settlement activities, including the expansion of settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since they are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Calls upon the Government of Israel

(a) To comply fully with the provisions of previous Commission resolutions on the subject, most recently resolution 1996/4 of 11 April 1996;

(b) To cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forgo and prevent any new installation of settlers in the occupied territories;

(d) To address the question of the Israeli settlements in the occupied territories during the negotiations on the final status of the territories, which are due to resume within two months after implementation of the Protocol concerning the Redeployment in Hebron.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 47 votes to 1, with 2 abstentions. See chap. IV.]

## 1997/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of

International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1996/5 of 11 April 1996,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the Security Council and the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a jus cogens in international law,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, and the following agreements aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territories, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-fourth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 28 votes to 1, with 21 abstentions. See chap. VII.]

## 1997/5. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1996/6 of 11 April 1996,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of

the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council resolutions relating to the question of Western Sahara, in particular resolutions 621 (1988) of 20 September 1988, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995, 1033 (1995) of 19 December 1995 and 1042 (1996) of 31 January 1996, as well as all the General Assembly resolutions relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the ceasefire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Taking note of Security Council resolution 1056 (1996) of 29 May 1996, by which the Council decided to suspend the work of the Identification Commission and supported the proposal of the Secretary-General to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan,

Seriously concerned about the risks that this impasse poses for the implementation process of the settlement plan for the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara and for the peace and stability of the region,

Stressing the importance and usefulness of direct talks between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro in order to create the atmosphere of mutual confidence necessary for overcoming the obstacles to the implementation of the settlement plan,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/51/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/51/428),

1. Takes note of the report of the Secretary-General;

2. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

3. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations, in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

4. Expresses its serious concern about the persistent obstacles to the implementation of the settlement plan;

5. Notes that the General Assembly has taken note of Security Council resolution 1056 (1996), by which the Council decided to suspend the identification process and supported the proposal of the Secretary-General to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan, and in this regard fully subscribes to the commitment of the Security Council and the Secretary-General concerning the fulfilment of their respective mandates, consisting of the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara;

7. Declares its conviction of the importance and usefulness of direct contacts between the two parties, with a view to overcoming their differences and creating propitious conditions for the speedy and effective implementation of the settlement plan, and encourages in this regard the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to start direct talks as soon as possible;

8. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fifty-second session;

9. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-fourth session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

26th meeting
26 March 1997
[Adopted without a vote. See chap. VII.]

1997/6. Middle East peace process

The Commission on Human Rights,

Recalling its resolution 1996/7 of 11 April 1996,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling further the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as an extraregional participant in the work of the multilateral working groups,

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 of 9 December 1994, in which the Assembly declared that acts, methods and practices of terrorism constituted a grave violation of the purposes and principles of the United Nations, and might pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bodies of society,

1. Stresses the importance of, and the need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital to the full implementation of human rights in all areas;

3. Welcomes the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. Also welcomes the Protocol concerning the Redeployment in Hebron of 17 January 1997 signed by the Government of Israel and the Palestine Liberation Organization, and the subsequent redeployment of Israeli troops from parts of Hebron;

5. Further welcomes the release of female Palestinian prisoners from Israeli detention as a confidence-building measure;

6. Calls upon all parties to protect the human rights and well-being of all detained persons under their control;

7. Supports the declaration adopted at the Summit of Peacemakers held at Sharm El Sheik, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East which seek to undermine the peace process and which have caused loss of life and injuries;

8. Calls upon all parties to work to advance a free civil society, under the rule of law;

9. Calls upon the Centre for Human Rights to continue to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to continue to contribute to the programme;

10. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 by the Government of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995, the Protocol concerning the Redeployment in Hebron signed on 17 January 1997, the Agreement between Israel and Jordan on the Common Agenda, of 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

11. Encourages the continuation of negotiations on the implementation of the next stage of the Declaration of Principles on Interim Self-Government Arrangements.

26th meeting
26 March 1997
[Adopted without a vote. See chap. VII.]

1997/7. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges once again the working group on the implementation and promotion of the right to development to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 37 votes to 8, with 7 abstentions. See chap. V.]

## 1997/8. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food,

Recalling also the Universal Declaration on the Eradication of Hunger and Malnutrition,

Taking into account the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Considering the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit held in Rome from 13 to 17 November 1996,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that more than 800 million people throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources, from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Encourages the Committee on Economic, Social and Cultural Rights to pay further attention in its activities to those rights recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights;

6. Endorses the request made in the World Food Summit Plan of Action to the United Nations High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, as well as non-governmental organizations, to define better the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all;

7. Invites the High Commissioner for Human Rights to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fourth session.

36th meeting
3 April 1997

[Adopted without a vote. See chap. V.]

## 1997/9. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993, 1995/81 of 8 March 1995 and 1996/14 of 11 April 1996,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having examined the progress report submitted by the Special Rapporteur (E/CN.4/1997/19),

1. Takes note of the progress report of the Special Rapporteur and, in particular, her conclusions and recommendations, and regrets that she encountered serious obstacles in the discharge of her mandate, in particular the lack of adequate human and financial resources;

2. Notes with grave concern that adequate staff and financial resources were not made available to the Special Rapporteur to enable her to discharge her mandate effectively, including undertaking in situ missions;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

8. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

9. Requests the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

10. Also requests the Special Rapporteur to continue to undertake, within her mandate, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries,

12. Requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

13. Encourages the Special Rapporteur, with adequate support and assistance from the Centre for Human Rights, to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report;

14. Reaffirms its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fourth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

16th meeting
3 April 1997

[Adopted by a roll-call vote of 32 votes to 12, with 8 abstentions. See chap. V.]

1997/10. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, and that despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Noting with regret the negative effects on the enjoyment and realization of economic, social and cultural rights of the structural adjustment and reform policies conceived by the international financial organizations and bilateral creditors and imposed on the debtor countries to deal with the effects of the foreign debt, especially among the most vulnerable and low-income groups,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily-indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the report submitted by the Secretary-General in accordance with Commission resolution 1996/12 of 11 April 1996 (E/CN.4/1997/17);

2. Stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access, stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries, and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health service and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the recent initiatives on the foreign debt, in particular the Debt Initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the working group on the implementation and promotion of the right to development to continue to pay special attention in its work to the social repercussions of the foreign debt and, in particular, to the repercussions of the policies adopted to face the effects of foreign debt on the realization of economic, social and cultural rights, and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

11. Requests the Secretary-General to submit to the Commission, at its fifty-fourth session, after high-level consultations with Governments,

international financial institutions and specialized agencies, and with intergovernmental organizations, a report on the international debt strategy containing an analysis of the effects of this phenomenon on the effective enjoyment of human rights of the people of the developing countries, and in particular of the most vulnerable and low-income groups;

12. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, and especially the social impact of the measures arising from the foreign debt;

13. Requests that, taking advantage of the current restructuring of the Centre for Human Rights, a unit be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries;

14. Decides to continue to consider this matter at its fifty-fourth session in connection with the corresponding agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 34 votes to 15, with 3 abstentions. See chap. V.]

## 1997/11. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children,

Welcoming the relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, and its other relevant resolutions, in particular resolution 1996/10 of 11 April 1996, as well as Sub-Commission resolution 1996/23 of 29 August 1996,

Recalling also General Assembly resolutions 50/107 of 20 December 1995 and 51/97 of 12 December 1996,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Welcoming the activities undertaken for the International Year for the Eradication of Poverty,

Noting that the majority of persons living in poverty are women, children or the elderly and that women bear a disproportionate burden,

Noting also with interest the Microcredit Summit held in Washington (D.C.) in February 1997, which focused on the importance of encouraging national initiatives for social development including, inter alia, access to credit for people living in poverty, particularly women, through employment and income-generation to address the feminization of poverty,

Having examined the final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) presented at the forty-eighth session of the Sub-Commission by the Special Rapporteur, Mr. Leandro Despouy,

1. Reaffirms that:

(a) extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

2. Recalls that:

(a) to ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is

endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) In the Copenhagen Declaration on Social Development, Governments also undertook to endeavour to ensure that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that will enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind, and recalls also the provisions of the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I);

3. Expresses its satisfaction to the Special Rapporteur for his final report on human rights and extreme poverty, prepared on the basis of consultations with persons living in extreme poverty and the persons and non-governmental organizations engaged in the field among very poor persons, families and population groups throughout the world;

4. Calls upon:

(a) the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to consider the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts of the poorest themselves to combat poverty and the importance of associating them with all stages of these activities;

5. Invites the treaty bodies monitoring the application of human rights instruments, notably the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

6. Requests the Secretary-General:

(a) to take the necessary measures to ensure that the final report of the Special Rapporteur on human rights and extreme poverty is published as a United Nations publication in all the official languages and that it receives the widest possible distribution, particularly within the framework of activities of the United Nations Decade for the Eradication of Poverty and the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(b) to place the report at the disposal of non-governmental organizations which desire to reproduce it in languages accessible to the greatest number of persons living in extreme poverty;

(c) to convey the final report of the Special Rapporteur to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund, and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

7. Requests the United Nations High Commissioner for Human Rights to:

(a) Give high priority to the question of human rights and extreme poverty within United Nations human rights bodies;

(b) Ensure, within the framework of his role as coordinator of activities related to the promotion and defence of human rights within the United Nations system as a whole, better cooperation between institutions and bodies involved in the development of policies and strategies for protecting human rights and combating poverty, in association with the poorest and persons working with them;

(c) Invite Governments, specialized agencies and intergovernmental organizations to take account of the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(d) Collaborate closely with all the organizations concerned, particularly the non-governmental organizations, as well as those working alongside the poorest;

(e) Regularly inform the General Assembly of the evolution of the question of human rights and extreme poverty, notably the steps taken to coordinate activities in this field, consultations undertaken with Governments and governmental and non-governmental organizations, obstacles encountered and progress achieved in promoting the full enjoyment of human rights among persons living in extreme poverty, as well as the most innovative activities implemented to this end;

(f) Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;

(g) Submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the

special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(h) Continue his discussions with the World Bank and report on the creation of microcredit programmes at the fifty-fourth session of the Commission;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

9. Decides to consider this question at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997

[Adopted without a vote. See chap. V.]

1997/12. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1996, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling further the report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/1996/19), which states that there has been a considerable shift towards the abolition of the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are authorized to impose,

Welcoming the observation of the Human Rights Committee, in its General Comment No. 6 of 27 July 1982 on article 6 of the International Covenant on Civil and Political Rights, that the provisions contained in that article refer to abolition of the death penalty in terms which strongly suggest that abolition is desirable, and its affirmation that all measures of abolition should be considered as progress in the enjoyment of the right to life,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Convinced that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

1. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

3. Calls upon all States that still maintain the death penalty to observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50;

4. Calls upon all States that have not yet abolished the death penalty progressively to restrict the number of offences for which the death penalty may be imposed;

5. Also calls upon all States that have not yet abolished the death penalty to consider suspending executions, with a view to completely abolishing the death penalty;

6. Requests the Secretary-General to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty;

7. Calls upon States that still retain the death penalty to make available to the public information with regard to the imposition of the death penalty;

8. Decides to continue consideration of the matter at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997
[Adopted by a roll-call vote of 27 votes to 11, with 14 abstentions. See chap. XIV.]

1997/13. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Taking note of resolution 1996/12 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, inter alia, women migrant workers,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Encourages States to enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

3. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

4. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Expresses its appreciation to the Government of the Philippines for hosting the expert group meeting on violence against women migrant workers in Manila from 27 to 31 May 1996;

9. Invites the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

10. Requests the Secretary-General to submit a comprehensive report to the Commission on Human Rights at its fifty-fourth session on the

implementation of the present resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies;

11. Decides to continue to consider the question at its fifty-fourth session under the relevant agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/14. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1997/65 and Corr.1), and welcomes the fact that some Member States have recently acceded to the Convention;

4. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

7. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

## 1997/15. Migrants and human rights

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that

everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin,

Deeply concerned at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;

4. Requests the working group of intergovernmental experts to submit a report to the Commission on Human Rights at its fifty-fourth session under the appropriate agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/16. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of resolution 1996/17 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting, inter alia, the Working Group to continue to hold one session annually,

Taking note also of the invitation by the Sub-Commission to the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1997/82), as well as of the reports of the Working Group on Minorities on its first and second sessions (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28);

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the promotion and protection of the rights of persons belonging to minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the United Nations High Commissioner for Human Rights to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

8. Calls upon the High Commissioner to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities, and to consider ways to facilitate contributions from national or ethnic, religious and linguistic minorities in the preparation of national reports;

10. Calls upon all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

11. Commends the role of the Working Group on Minorities of the Sub-Commission as an important forum for the promotion of the rights of persons belonging to minorities;

12. Expresses its expectation that the Working Group will further implement its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants, and that it will also take note of the Commission's deliberations on this item;

13. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Invites the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, inter alia, the extension of its mandate;

15. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution;

16. Decides to continue consideration of this issue at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997

[Adopted without a vote. See chap. XVII.]

1997/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling its resolution 1996/11 of 11 April 1996 and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which stated the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Taking note of the work carried out by the Committee on Economic, Social and Cultural Rights, the open-ended working group on structural adjustment programmes and economic, social and cultural rights, and other relevant

intergovernmental and non-governmental organizations, in particular the structural adjustment participatory review initiative of the World Bank,

1. Welcomes:

(a) The adoption by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul (Turkey) from 3 to 14 June 1996, of the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), in particular the recognition of the right to adequate housing as an important component of the right to an adequate standard of living, the definition of the role of the private sector and civil society, and the reaffirmation of the commitment to the full and progressive realization of the right to adequate housing as provided for in international instruments;

(b) The adoption by the World Food Summit, held in Rome from 13 to 17 November 1996, of the Rome Declaration on World Food Security and the World Food Summit Plan of Action (WFS 96/REP), in particular the reaffirmation of the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger;

2. Notes with interest:

(a) The report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(b) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its fifteenth session to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely the proposal for the adoption of a programme of action for the Committee that would increase its ability to examine States' reports and to assist interested Governments in their reporting duties, and the proposal recommending to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(c) The recommendations adopted by the open-ended working group on structural adjustment programmes and economic, social and cultural rights;

3. Reaffirms:

(a) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(d) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

4. Calls upon all States:

(a) To secure, through national development policies and international cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(b) To promote the effective and wide participation of representatives of civil society in the decision-making processes related to the promotion and protection of economic, social and cultural rights;

(c) To consider the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific national benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner, as recommended in the Vienna Statement of the human rights treaty bodies adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

(b) To promote the participation of representatives of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. Decides:

(a) To request the United Nations High Commissioner for Human Rights and the relevant human rights mechanisms and treaty bodies to give, within their mandates, greater attention to the protection of economic, social and cultural rights;

(b) To request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on

progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(i) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general; and

(ii) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights;

(c) To request the High Commissioner for Human Rights to give appropriate consideration to the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States' reports.

56th meeting
11 April 1997
[Adopted without a vote. See chap. V.]

1997/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91 and Add.1);

2. Expresses grave concern at and condemns all forms of intolerance and of discrimination based on religion or belief;

3. Urges States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage through the educational system, and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

4. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

5. Encourages the continued efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

6. Stresses the need for the Special Rapporteur to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

7. Calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

8. Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

9. Recognizes that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

10. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

11. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

13. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

56th meeting
11 April 1997
[Adopted without a vote. See chap. XIX.]

1997/19. Traffic in women and girls

The Commission on Human Rights,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

Recalling also the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, taking note of the comments contained in the report of the Secretary-General (A/51/309), and recalling all previous resolutions on the problem of the traffic in women and girls,

Affirming the provisions adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girls from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girls from this nefarious traffic,

1. Notes with appreciation the report of the Secretary-General on the traffic in women and girls (A/51/309);

2. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996;

3. Calls upon Governments of countries of origin, transit and destination, and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

4. Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;

5. Also invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;

6. Encourages, in this regard, relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with all relevant intergovernmental and non-governmental organizations, including those concerned with traumatic stress, taking into account existing research material or studies on the subject;

7. Notes with appreciation the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1 and 2), particularly with respect to the traffic in persons, and encourages them to continue to address this problem among their priority concerns;

8. Encourages the Centre for Human Rights to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to

Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

9. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (see E/CN.4/Sub.2/1995/28/Add.1);

10. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

11. Welcomes the decision of the Economic and Social Council to devote its coordination segment of 1997 to mainstreaming a gender perspective;

12. Requests the Secretary-General to provide the Commission, at its fifty-fourth session, with his report to the General Assembly at its fifty-second session on the implementation of General Assembly resolution 51/66 of 12 December 1996;

13. Decides to continue its consideration of the question at its fifty-fourth session under the relevant agenda item.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/20. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling its previous resolutions on the subject, especially resolution 1996/61 of 23 April 1996, and taking note of the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the subject, including resolutions 1996/12 of 23 August 1996 and 1996/18 of 29 August 1996,

Bearing in mind that the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights provide, inter alia, that no one shall be held in slavery or servitude,

1. Welcomes the work of the Working Group on Contemporary Forms of Slavery and takes note of its recommendations (see E/CN.4/Sub.2/1996/24 and Corr.1);

2. Expresses its grave concern at manifestations of contemporary forms of slavery, inter alia those reported to the Working Group;

3. Requests the Secretary-General to invite eligible States that have not yet ratified or acceded to the conventions on slavery to consider doing so as soon as possible;

4. Calls upon States:

(a) To consider taking appropriate action for the protection of groups of persons particularly vulnerable to slavery and slavery-like practices, such as children and women, including migrant women;

(b) To consider adopting legal and administrative measures for the protection, rehabilitation and reintegration of victims of contemporary forms of slavery;

(c) To consider ratifying, if they have not yet done so, the pertinent international instruments, including the Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age Convention, 1973 (Convention No. 138) of the International Labour Organization;

5. Requests the Secretary-General:

(a) To continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

(b) To transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

(c) To designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

6. Decides to resume consideration of this question at its fifty-fifth session.

56th meeting
11 April 1996
[Adopted without a vote. See chap. XVI.]